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LECTURE

CHARACTER AND SERVICES

OF

JAMES MADISON,

BY DANIEL D. BARNARD.



LECTURE

ON THE

CHARACTER AND SERVICES

OF

JAMES MADISON,

DELIVERED BEFORE THE

"YOUNG MEN'S ASSOCIATION FOR MUTUAL IMPROVEMENT

IN THE CITY OF ALBANY," FEBRUARY 28, 1837.

BY DANIEL D. BARNARD.

ALBANY.

FROM THE POWER PRESS OF HOFFMAN AND WHITE.

1837.

CORRESPONDENCE.

Albany, March 1, 1837.

TO THE HON. DANIEL D. BARNARD,

SIR,—The Executive Committee of the “Young Men’s Association for Mutual Improvement in the City of Albany,” have availed themselves of the earliest opportunity to unite in a tender of their warmest thanks to you, for the very able, interesting and eloquent Lecture delivered by you before the Association last evening, on the Character and Services of the late JAMES MADISON.

The Committee are confident that they are not less actuated by regard to the wishes of the public, and the interests of the Association, than by their own feelings when they most respectfully and earnestly solicit your compliance with the request contained in the following resolution, which they have unanimously adopted.

Resolved, That the thanks of the Association be presented to the Hon. DANIEL D. BARNARD for the very instructive and eloquent Lecture delivered by him before the Association last evening, on the Character and Services of the late JAMES MADISON; and that he be requested to furnish a copy for publication.

With great respect,

We have the honor to be,

Sir, Your most obedient servants,

JOHN DAVIS,	T. W. LOCKWOOD,
JOHN V. S. HAZARD,	HENRY RUSSELL,
ROBERT L. KEARNEY,	JAS. H. PRENTICE,
C. W. BENDER,	CHAS. T. SMYTH,
ROBT. H. PRUYN,	SAMUEL CARY, JR.,
DAN’L FRY,	CHAS. M. JENKINS,
A. M. STRONG,	JACOB HOCHSIRASSER,
MARSHALL PEPOON,	JOHN S. GOOLD,
E. B. SLASON,	G. MELVILLE,
HENRY Q. HAWLEY,	WM. G. DEYERMAND.

Albany, March 2d, 1837.

GENTLEMEN,

I do not feel myself at liberty to withhold from publication the Lecture which I had the honor to deliver before your Association on Tuesday, after the strong and very flattering manner in which you have been pleased to solicit it.

I pray you to accept my acknowledgments for the terms of kindness and courtesy employed in your communication; and allow me to add the expression of my sincere admiration for the Institution which you represent, and my earnest and confident hope that its existence and its benefits may be perpetual.

With great respect,

Gentlemen, Your obdt serv’t,

D. D. BARNARD.

To John Davis, Esq., and others,

Executive Committee, &c.

LECTURE.

THE benefits which spring from the existence of a great and good man, to his country and kind, are only half bestowed in his life-time. The rest are the purchase of his death. This event, by which the name and deeds of common men drop into oblivion, exalts and hallows a superior character, and gives him a presence and a power in the world which he never has, or can have, without it. In truth, his real and effective existence, even on the earth, seems only to begin with his death. What precedes is, often times at least, little more than life in embryo; life in a state of development; life in effort to attain maturity; life half concealed and half revealed, half acknowledged and half denied, half trusted and half doubted; an equivocal condition of being which death alone resolves and fixes. Having past that ordeal, he becomes a reality; an object understood, and felt, and revered. He is permitted to occupy his true position; he receives credit for what he was and is; the age and the period become impressed with the wisdom and potency of his recorded words and acts; he pervades the general mind with the influence of his name and his example; and living in the multiplied and varied life of all his received opinions, and all his admired virtues, and in the body of his beneficent works, his existence becomes significant, and substantial, and effective, beyond every thing which ever belongs to the physical condition of humanity.

MR. MADISON was more fortunate certainly than most others in commanding largely the respect and homage of his fellow-men even amid the collisions and the strifes of active and exciting business in great affairs, and in out-living most of the

rivalries and jealousies which a career of high public honor and service never fails to generate. His services were acknowledged, and in some degree rewarded: and his opinions carried such weight with them as always belongs to the emanations of a master mind. The Country saw, and to some extent the world saw, that they were deeply indebted to him. They were in the actual possession and enjoyment of blessings of his procuring. They could not wholly mistake the hand which Providence had employed to help them to his bounties. But after all, his was the common lot. The world builds no monuments to the living—but to the dead only. It was necessary that he should set the seal of his death to all he had thought and all he had wrought for us. It was necessary that he should thus place his own character and his own opinions beyond the possibility of change, and beyond the reach of accident. It was necessary that he should give us this last solemn pledge of his sincerity, of his own confidence in the propriety and value of his public course, and of his own conviction of the necessity and importance of his public principles and his public measures. Dying, as he did, with all his faculties fresh about him, and yet, from the manner in which his term of being was protracted into a quiet old age, with abundant opportunity and occasion to review the past, under all the advantages of light from experience, and of light from the great future into which his vision was now extended, there is something peculiarly solemn, and affecting, and sacred, in the sanctions which are thus given to his opinions, and to all the varied efforts of his life for the good of his country, and of mankind.

And here, my friends, are the benefits of his death. We are not called to mourn for that event. On the contrary, while we do not forget that the sympathies of the nation are due for the more intimate and affecting ties which have been broken by it, we may yet rejoice—rejoice in the soberness of a chastened and conscious feeling of gratitude to God, as well for the graceful, becoming and appropriate death of this eminent man, as for his excellent and invaluable life. The beau-

tiful volume of his being is closed—it is written up, to the last syllable of its admired contents. We have it as it dropt from his dying hand, with the last touches, the delicate and exquisite finish, of that faithful and practised hand upon it. Oh how full it is of the lessons of wisdom and of virtue ; so sublime and yet so simple ; so severe and yet so attractive ; so uniform in its tenor and character and so wonderfully consistent throughout, and yet so simple and so various ; how modest and yet how resolved and firm in its tone at the commencement ; how sublime and commanding in its intermediate passages ; and how surpassingly touching and eloquent in its close !

The limits of an occasion like the present will not allow me to dwell in detail on all the particulars of MR. MADISON's life and career ; and this is of the less consequence now, since they are already before the public, as far as they can well be, short of an extended and regular memoir, in the most attractive and delightful forms.* I must confine myself chiefly to some of the more prominent portions of his history.

What I desire, on this occasion, is, so to arrange and present the materials in hand as to shew, at least in the way of a just and necessary inference, by the instance and example of MR. MADISON, what are, and ought to be, the true characteristics of an American statesman—to shew, especially to the young men of this Association, what a public man, in this country, should be, and what he may be, and when, and when only, he is entitled to receive, and may expect to receive, the calm approving judgment of the world.

JAMES MADISON was descended from a highly respectable and opulent family in Virginia. He was born on the 5th of March, 1751, (O. S.) in King George County, though his paternal home, as well as his own through life, was in Orange County. At twelve years of age he was sent to a public school, but he finished his preparatory course under the instructions of a private tutor, in his father's house. It fell to the honor of New Jersey to furnish him with his collegiate education.

* Mr. Adams' Eulogy on Mr. Madison, and that by Gov. Barbour.

After two years only spent at Nassau Hall, he received his first literary degree. This was in 1771. He was now twenty; and he returned to his home as much a student and pupil as he had left it. For four years, he devoted himself to the great work of self-instruction, and self-discipline. In this period he examined the foundations of legal science, and he studied and mastered the secrets which belong to the history of great nations and of great men. It was at this time, beyond doubt, that he formed his own character, and prepared the basis on which his future greatness was built. In the Spring of 1775, he entered for the first time on public employment. In nearly all the Colonies, even at that early period, the authority of the old government establishments, still in form preserved, was little relished and less regarded. By a simple process, almost without seeming to do so, the people resumed the power of government, to a large extent, and exercised it through their "Committees of Public Safety." Mr. MADISON was a member of the body, constituted under that name, for his native county. Of this committee his father was the chairman. At the very first meeting, an occasion presented itself, which demanded the employment of his pen; nor did he allow the occasion to pass, without making public the solemn declaration and opinion of that body, that Virginia, and every other Colony, must and would make common cause with Massachusetts, in the war which had already begun its desolations in her borders.

The next year Mr. MADISON, being then twenty-five years of age, appeared as a member of the State Convention of Virginia—a body of men who erected monuments to themselves which can never perish—and he was a distinguished actor in all its great achievements. He participated in the act by which their delegates in Congress were instructed, so early as the 15th of May, to move the measure of Independence. He was a member of the Committee that prepared and reported the Declaration of Rights which was adopted by the Convention on the 12th of June. And the Constitution of the State, formed on the basis of that Declaration, and adopt-

ed on the 29th of the same month—the first example of a written Constitution of government, emanating from the people as the true source of power—that Constitution, though not originally drafted by him, yet passed through his hands and received his corrections and emendations before it was presented to the Convention.

The next year (1777) on the meeting of the new Legislature, he was elected a member of the Council of State, and he continued in the discharge of the delicate and responsible duties of that office till the close of the year 1779, when the scene of his public labors was about to be changed. He was elected to the Congress of the Confederate States, and he took his seat in that body in March 1780. The articles of Confederation did not allow him to serve the country continuously in that capacity, longer than until November 1783. While in that station, he saw the war of the Revolution out, peace restored, and independence established. He was a leading and conspicuous man in all that related to the prosecution of the war while it lasted, so far as measures for its prosecution depended on Congress, and in whatever could promote and ensure its successful and honorable termination. With the peace came a new state of things. The States felt themselves to be independent, each for itself; and they chose to manifest and maintain their individual independence, by neglecting the just requisitions of Congress, and by refusing to vest it with new and indispensable powers. In truth, when the Americans had conquered independence and a peace, they seemed no longer to be a nation. A people cannot claim to be a nation which is without the means of raising a revenue for its own support, and without the means of providing for the payment of the public debt, and the establishment of public credit, and without the means of meeting and discharging its treaty obligations. On this subject, before his term expired, Mr. MADISON prepared an address which Congress transmitted to the States. It was a mighty effort, full of argument, and wisdom, and strength, and power, and persuasion, and terror—and it was not wholly in vain. It did

not induce the States to yield the required powers to the Confederation. But, as a last effort on that point, it prepared the minds of thinking men throughout the country, to turn their attention to the necessity of something better than the Confederation. On this high matter it is evident, the thoughts of Mr. MADISON had already begun to settle.

From Congress Mr. MADISON passed into the Legislature of Virginia—only, however, to await the period when, his disqualification being removed, he should be returned again to Congress. But before this latter event took place, for he resumed his seat in Congress in February, 1787, he with others had succeeded in setting measures on foot which were destined in their progress, very soon to extinguish the Confederation itself, and set up a Constitutional Government in its place. This, it seems to me, was the great and crowning service rendered by Mr. MADISON to his country. To this service he devoted himself; yet he did not enter on it rashly—he did not rush with inconsiderate and fatal haste on the prejudices and obstacles which stood in his way—but he never lost sight of his object.

When he first entered the Legislature of Virginia, the times were not yet quite ripe for any movement towards his great purpose: and other objects for a while demanded his attention. The great principle of Religious Liberty was in danger, and required to be established, in the Commonwealth; and it was established by his efforts and influence. A most embarrassing and nearly fatal difficulty, relating to the disposal of the Public Lands, required to be adjusted; and it was adjusted under his lead. The Statute Laws of the State, required to be revised throughout, and made to square with the new principles and new forms which had been introduced into the government; and the revision was mainly effected by him.

But at length, the time came to move in that great matter, which vitally concerned the whole country. Mr. MADISON first brought forward a Resolution to instruct the Delegates from Virginia in Congress, to agitate again, in that body, the

subject of the enlargement of its powers. This was in November 1785. The Resolution, after having passed the House of Delegates, was re-considered, and there, suffered to sleep. It served the purpose of calling attention in that quarter anew, to the fatal inadequacy of the Confederation. In January 1786, on the suggestion of Mr. MADISON, it was proposed to constitute a distinct body, consisting of Commissioners from the several States, to consider the trade of the United States, and the means of establishing a uniform system of commercial regulations. This measure was adopted, and Virginia appointed her Commissioners, of whom, Mr. MADISON was one.

Under this proposition, Commissioners from five of the States, met at Annapolis, on the 11th of September, 1786. The Convention dissolved itself on the 14th of the same month, having first adopted a report, drawn by Mr. MADISON, and which was transmitted to each of the States and to Congress, setting forth the reasons of the Convention, for declining to proceed to business, and earnestly recommending the appointment of new Delegates, with enlarged and more ample powers, to meet at Philadelphia, on the second Monday of the following May. This Report was promptly responded to, by Congress, and on its recommendation, Delegates were appointed by the States, who met in Convention, at Philadelphia, and proceeded to their great work, on the 25th of May, 1787.

Of this Convention, Mr. MADISON was a member. With him, more than with any other man, it originated. To him, as much as to any man, are the country and the world indebted for the successful issue of its deliberations. It was right that he should at last survive every man who had helped to compose it. I shall not undertake to say a word in honor of this Convention. It is stamped with an unapproachable excellence and greatness, which mock at commendation and praise. The Constitution, having been first revised in its language, and its parts arranged into order and harmony, by a Committee, of which, Mr. MADISON was one, was finally re-

ported, and became the act of the Convention on the 17th of September, 1787.

But the most difficult part of the achievement, which Mr. MADISON and his compatriots had taken in hand, remained to be accomplished. They had undertaken to bring the peoples of thirteen independent sovereignties, for so at least they esteemed themselves to be, to consent to form themselves into one people, under one government. They had now framed the instrument which, being adopted and ratified, was to effect this mighty change; and it remained that they must present themselves before the people, to gain if possible, that free acceptance and consent, without which, they had labored up to the present moment in vain. They had built the ark, and it remained to be seen, whether the people would enter it. Here was an experiment to be tried, such as had never been attempted before, and in its success a moral spectacle was exhibited, such as hitherto, the world had never witnessed, where the agents and actors were merely human.

The common Government of England had been thrown off, and the States were free. The mass of the people in the States rejoiced in this freedom, not only because they were relieved from the actual oppressions of the British government, but because they felt themselves, to a certain extent, relieved from all government. It was a prevalent impression undoubtedly—not to call it a sentiment—that every species of foreign power was a species of tyranny, and they regarded every sort of authority as foreign, which did not manifestly originate within the territorial limits of the State where it was exercised. The very idea of Liberty—of that Liberty for which they had toiled and fought, and which they now worshipped—consisted mainly, perhaps, certainly in part, in the notion of an entire personal exemption from the fact and the possibility of all extraneous control. Whatever they permitted of government over them in any form, was yet something with which a stranger must not intermeddle. The government must be within themselves and of themselves. Even the Confederation had become an object of jealousy, or of

contempt. From the moment that the common danger which, by surrounding them on every side, had driven them into something like union, had compelled them to range themselves shoulder to shoulder and stand close, in order to make their resistance effectual—from the moment that common impulsion was suspended—was no longer felt—the palpable disposition was manifested in various quarters, to count the Confederation as an agency that had served its purpose ; at least that it should not be resuscitated by any new grant of power, but be suffered to languish and die, if die it would, of its own inherent and constitutional debility.

Now it was communities of men, holding sentiments and indulging feelings like these, to whom the Constitution of the Convention at Philadelphia, was to be presented for acceptance and ratification. This Constitution was framed to act directly on the individuals composing these communities, and it was framed to make the Government a strong and efficient one ; a Government, moreover, which was to interfere in an eminent degree with the authority of the state governments themselves. This government was to possess, by transfer, the very attributes which, while they remained with the States, were chiefly, if not alone, essential to their sovereignty. To this extent, at least, the sovereignty of the States was to be yielded up ; and to this extent was the power over the subjects of that sovereignty to be transferred to another and a distant government—one, too, which was contemplated to be so completely foreign to every State, that the very seat of its power—the place of its visible presence—was to be isolated from the territory of all the States ; for it was to possess an absolute and exclusive jurisdiction, for this purpose over a District of ten miles square. The Constitution and laws of this government were to be supreme over all other constitutions and laws ; and having the power to make laws, it was to have the power, both to interpret and to enforce them. It was to have power to impose taxes, and power to regulate commerce, and power to coin money, and power to define and punish crimes, and power to form treaties and al-

liances, and power to make war and conclude peace—power, in short, and in some cases exclusive power, over the property, and the persons, and the lives of all who should become subject to its authority—power to prescribe and power to compel, power to judge and power to execute.

And besides ; this was, indeed, to be a representative and republican government ; but while the people of one State and the State itself were to be represented in it, yet so were the people of every other State, and all the other States themselves, to be also, and equally represented in it. And it might happen, to say the least, that one section of the Union would make laws for another section, and that one State, and the people of that State, would be subjected to the operation of measures, touching the very highest interests, which not only were not the measures of their own immediate representatives, but which those representatives had opposed, and against which they had protested—a possible evil, moreover, this, which was not likely to be made lighter or less liable to happen, in consequence of the inherent and almost illimitable capability of extension and expansion which the government was to possess.

Under such circumstances, my friends, the men of the Constitution brought forward their system. They put the Constitution boldly into every man's hand, and asked him to accept of its provisions. They did not disguise its operation and effect. It was to impose great restraints on personal liberty. It was to place large powers over property, and person, and life, in the hands of those who should exercise its functions—and possibly, at times, in the hands of persons who would be strangers to the individuals, and the interests affected, as distant in feeling and sympathy, as they might be in habitation. Still they fearlessly asked the people to accept it. It demanded the free surrender of privileges and immunities which were held in more than common estimation ; yet they did not hesitate to ask the people to put their hands to the act of cession. It was a garment purposely fitted, when once assumed, to operate largely in restraint of human ac-

tion ; and they insisted that the people should put it on.— They came to the people with the language of truth, and of sincerity, and of earnest and high appeal. Government is a restraint on human freedom, but governments are necessary things. All time and all experience have established this one universal truth at least ;—That men must consent to govern themselves, or they must submit to be governed. Wherever, and whenever they prove themselves unfit, unable, or unwilling to establish and conduct their own government, a government of power, established and conducted for them, and without their agency or consent, follows of necessary consequence. Nor was it possible for the people of America to rest on their State governments alone. There never had been a time when the States individually were nations. From the beginning, there had been but one American nation, and that was composed of all the States. This was the attitude in which they had placed themselves before other nations, and before the world. In the Convention at Philadelphia, Mr. MADISON had stood up explicitly to deny that the States had ever possessed the essential rights of sovereignty. He affirmed that these rights were always vested in Congress. And this sentiment was responded to by Mr. Gerry. “The States,” said he, “were never independent—they had only corporate rights.”*

But whatever may be thought of these opinions, there could be no disputing the fact, that the States, in their united capacity, and with Congress as the organ of their engagements, had entered into national obligations, of the most solemn character, from which they could not, with honor or with safety, attempt to relieve themselves either by breaking up the Union, or by preserving it in a condition of utter incapacity to meet the national exigencies. Do what they would the national debt at least must be paid, and the national treaties observed and performed. And how was even so much to be accomplished ? The Confederation was universally acknowleg-

* Secret Proceedings of the Federal Convention.

ed to be a failure. It was not only a failure, in fact, and for the present, but it was an adjudged and predestined failure, and a failure forever. There was no disposition to make it adequate for national purposes, and if there had been, it was not possible to compass such an object by building on such a foundation.

It was evident, then, that the crisis had arrived. It must now be the Constitution or nothing, "A nation," exclaimed Publius, "a nation without a national government, is an awful spectacle."* And to this point did the men of the Constitution especially direct their attention, in arguing this great cause before the people. The Constitution must be adopted, or there was no national government, and no nation. And the choice lay between voluntary submission to self-imposed and salutary authority, on the one hand, and the hazards of anarchy, civil commotion, foreign aggression, and probably at last, a military despotism on the other.

The Constitution was to be considered by Conventions of delegates from the people in each State, and by them accepted or rejected; and if nine States accepted it, the government was to go into operation. Previous to the meeting of these Conventions, and while the subject was pending before the people at large, an arrangement was entered into between these individuals, to make one great, united and systematic effort, by exposition, and argument and appeal, to subdue the public mind into dispositions favorable to the adoption of the Constitution. Of these persons Mr. MADISON was one; the others were Mr. Hamilton and Mr. Jay. The publication was made in numbers in the city of New-York, with the signature of Publius. There were eighty-five papers in all, and they occupy together, in a closely printed octavo volume, as now collected, nearly four hundred and fifty pages. They have long since passed into the form of an American classic; and they will hold a high place among the standard works of this country and age, as long as either the integrity or the memory of the Constitution shall endure.

* Federalist.

The difficulties of the task which these men took on themselves, have already been alluded to ; and nobody more clearly saw and estimated these difficulties than they did. It was a case for hope ; a case for some confidence, but more misgiving. It was just the case to bring out the energy and the courage of lofty and noble minds, amid the prevalent despondency and gloom, with which the timid and the weak would be smitten down. The authors of the *Federalist* entered the lists resolved to win, but not without a full knowledge of the mighty obstacles which stood in the way of their success. In one of the numbers, written by Mr. MADISON, there is a very curious catalogue of the objections which were current in the country against the Constitution.

“ This one,” says he, “ tells us, that the proposed Constitution ought to be rejected, because it is not a Confederation of the States, but a government over individuals. Another admits that it ought to be a government over individuals to a certain extent, but by no means to the extent proposed. A third does not object to the government over individuals, or to the extent proposed, but to the want of a bill of rights. A fourth concurs in the absolute necessity of a bill of rights, but contends that it ought to be declaratory, not of the personal rights of individuals, but of the rights reserved to the States in their political capacity. A fifth is of opinion that a bill of rights of any sort would be superfluous and misplaced, and that the plan would be unexceptionable, but for the fatal power of regulating the times and places of election. An objector in a large State exclaims loudly against the unseasonable equality of representation in the Senate. An objector in a small State is equally loud against the dangerous inequality in the House of Representatives. From this quarter we are alarmed with the amazing expense from the number of persons who are to administer the new government. From another quarter, and sometimes from the same quarter, on another occasion, the cry is, that the Congress will be but a shadow of a representation, and that the government would be far less objectionable, if the number and the expense were doubled. A pa-

triot in a State that does not import or export, discerns insuperable objections against the power of direct taxation. The patriotic adversary in a State of great exports and imports, is not less dissatisfied, that the whole burthen of taxes may be thrown on consumption. This politician discovers in the Constitution a direct and irresistible tendency to monarchy; that is equally sure that it will end in aristocracy. Another is puzzled to say which of these shapes it will ultimately assume, but sees clearly it must be one or other of them; whilst a fourth is not wanting, who, with no less confidence affirms, that the Constitution is so far from having a bias towards either of these dangers, that the weight on that side will not be sufficient to keep it upright and firm against its opposite propensities. With another class of adversaries to the Constitution, the language is, that the legislative, executive and judiciary departments, are intermixed in such a manner, as to contradict all the ideas of regular government, and all the requisite precautions in favor of liberty. Whilst this objection circulates in vague and general expressions, there are not a few who lend their sanction to it. Let each one come forward with his particular explanation, and scarcely any two are exactly agreed on the subject. In the eyes of one the junction of the Senate with the President, in the responsible function of appointing to offices, instead of vesting this Executive power in the Executive alone, is the vicious part of the organization. To another, the exclusion of the House of Representatives, whose numbers alone could be a due security against corruption and partiality, in the exercise of such a power, is equally obnoxious. With another the admission of the President into any share of a power, which must ever be a dangerous engine in the hands of the Executive Magistrate, is an unpardonable violation of the maxims of republican jealousy. No part of the arrangement, according to some, is more madmissible than the trial of impeachments by the Senate, which is alternately a member both of the legislative and executive departments, when this power so evidently belonged to the judiciary department. We concur fully, reply others,

in the objection to this part of the plan, but we can never agree that a reference of impeachments to the judiciary authority, would be an amendment of the error; our principal dislike to the organization arises from the extensive powers already lodged in that department. Even among the most zealous patrons of a council of state, the most irreconcilable variance is discovered, concerning the mode in which it ought to be constituted. The demand of one gentleman is that the council should consist of a small number, to be appointed by the most numerous branch of the Legislature. Another would prefer a larger number, and considers it as a fundamental condition, that the appointment should be made by the President himself!"

It is impossible to read this extract, and observe the amount of opposition which it indicates, and the almost endless variety of shapes that opposition assumed, without being led to regard the success of the Constitution, in spite of it all, as one of the most wonderful occurrences of any age of the world. In the very close of the labors of this noble triumvirate, in this form, when they came to publish the last number of these remarkable papers, and after they had seen, in the course of the progress of their work, the favorable decision of no less than seven States—even then, though their courage and their zeal were unabated, still it would seem, they did not dare to indulge, in any sanguine hopes, of a favorable result. Says the author of this last number, "The establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a *PRODIGY*, to the completion of which I look forward with trembling anxiety."

But these men had now done all which argument, and exposition, and persuasion could do, before the body of the people. And they passed almost directly from this labor, into the Conventions of their respective States.

When the Convention of Virginia met, which was on the 21 of June, 1788, the Constitution had been accepted by the people of eight States; and it seemed now to rest with that Convention whether the people of a ninth State should or should

not, be added to the number, and so whether the new government should or should not, go into operation. Such at least, was the firm conviction of both friends and enemies; and the respective parties met in the Convention, each and equally resolved to regard this as the last field of encounter—the spot on which the issue of the whole war was to be decided and declared—and where the last and fiercest and highest energies of the combatants were to be expended. If the Constitution should be rejected here, it was well supposed, considering the elevated standing and the high moral power of Virginia among the confederate States, that its adoption would be forever defeated. It did, indeed, so happen, in the event, that New-Hampshire had given a favorable decision, five days before the result was declared in the Convention of Virginia.—But this fact was unknown to the Virginia delegates, at the period when they came to a final vote; and from the commencement of the session to the close, the contest was carried on, with the feeling, that not the fate of the State only, but the fate of the Constitution and the Union, probably depended on the issue.

Under the circumstances, the Virginia Convention was one of the sublimest theatres of human action which has ever been presented to the contemplation of the world in the tide of time. If the Convention of 1787 at Philadelphia, had failed, in the purpose of its meeting, the project of uniting this great people under one Constitutional Government, would never have been presented in a definite and tangible form. And when it had happily prepared an instrument acceptable to itself, it had no more power than to commend it to the favor of the country. But the instrument of Union was now before the people; in framing it, it had been the result of such compromises and concessions, as never could occur again, and the question, therefore, was clearly between this instrument and none; it had now been adopted by eight States, and it demanded to be adopted by a ninth to give it any, the least, vitality or power. It seemed, for the time being, to devolve

exclusively on the Virginia Convention, to decide, forever, the awful question of acceptance or rejection.

And if the spectacle afforded by this Convention was grand and imposing, on account of the magnitude of the subject in hand, and the unspeakable importance of the consequences which seemed to depend on the issue of its deliberations, it was not less grand and imposing in the materials of its composition. There was there an array of great names, filling the place where they were assembled, with a splendor and dignity, such as the presence of illustrious persons can alone supply. Patrick Henry, and George Mason, and James Monroe, and William Grayson, were there on the side of opposition; and on the side of the Constitution stood JAMES MADISON, and Edmund Randolph, and Edmund Pendleton, and John Marshall, and George Nicholas, and Henry Lee—names these, my friends, the least of which gives the heart of an American a prouder swell when he contemplates it as that of a fellow countryman.

I shall not dwell on the proceedings of this Convention. Whatever is splendid in sentiment and diction; whatever is brilliant in display; whatever is keen in sarcasm; whatever is terrible in invective; whatever is resistless in the strong tide of manly eloquence; whatever is searching, and lucid, and powerful, and commanding in the exhibition of fact, and truth, and argument, were heard and witnessed in the progress of the debates. The debates were opened by Mr. Nicholas in favor of the Constitution. Mr. Henry followed in opposition. Gov. Randolph then took the floor in reply. This brought out Mr. Mason on the other side. And now it was Mr. MADISON's turn. He threw himself into the midst of the conflict. He was calm, never loud, undaunted, firm; modest, yet resolved and confident, because conscious of power and conscious of right. Wherever the enemy was weak he made demonstrations, and where he was strongest, he made him feel that he was weak. Having driven him back to his trenches, disarmed and discomfited, he seemed in conclusion, with an air of modest chivalry, to invite the adversary, if he

had better steel in reserve, to come and try its temper also on his helmet and shield. For twenty days together, day by day, the debates were renewed and continued ; and on the 26th of June the triumph was complete. A majority of eight voices, though of eight voices only, out of one hundred and sixty-eight delegates, were found to declare in favor of the Constitution.

The Constitution having been adopted, the next thing to be done was to put the new government into operation. President Washington was inaugurated, and Congress met for the despatch of business, in the spring of 1789. Of this Congress, Mr. MADISON was a member ; and he continued to serve his country in this capacity, down to the close of Gen. Washington's administration, when he withdrew for a time from all official relations to the general government.

It is probable that few among the young men of our country, have any adequate idea of the amount of talent, and knowledge, and labor, which was required and expended in the organization of the government of the United States under the new Constitution. This instrument rather authorized the creation of a government, than actually created one. It authorized the exercise of powers, and indicated in general terms, how those powers should be distributed. But it left the organization of the various departments, with the number of their functionaries, and the detail of their respective duties, very much to the discretion of Congress. Several executive departments, and the post-office department, were to be created and regulated. A judiciary system was to be digested and established. A revenue system was to be devised for the support of government and public credit. Trade and commerce, and navigation were to be regulated. The salaries and pay of the various officers of government were to be settled and fixed. A permanent seat of government was to be selected and prepared. A plan for organizing and arming the militia was to be contrived and adopted. But it would be endless to enumerate. It demanded honest hearts and skilful hands to devise, and set in motion, the compli-

tated and delicate machinery of such a government as this. And happily such hearts and hands were found, and among the number, Mr. MADISON was, by no means, the least conspicuous or the least efficient.

It could not well have happened otherwise than that occasions should early arise, in which, wide differences of opinion both in regard to the policy, and in regard to the constitutional principles of the Administration, should be entertained and expressed. With respect to some of these differences, and disputes, the truth of history will unquestionably pronounce that, if they did not originate in private jealousies and in views of personal ambition, they were at least greatly aggravated by such causes. And it undoubtedly happened in relation to all of them, that different individuals of great eminence took part in them, on the same side, who were prompted and impelled by very different motives and views; in short, that then, as now and always, persons might be found acting together on questions of great public interest, and in zealous hostility to other men on the same questions, one of whom might be guided by an honest conviction of public duty, while the other should be moved by no thought or passion above the level of a sordid or a selfish one.

It is well known that Mr. MADISON, in some of the most important measures of Gen. Washington's administration, was found in the ranks of the opposition; and that he continued on the side of opposition, though no longer standing in any official relation to the government, throughout the administration of its affairs by President Washington's immediate successor. I should not have performed the duty assigned me on this occasion, in any degree to my own approval, if I had omitted to scrutinize with much care this interesting portion of Mr. MADISON's history. Having done so, however, the limits of the occasion will allow me to offer little more than the clear convictions of my mind, as the result of my examination and reflections; and these convictions are, that Mr. MADISON was here, and now, as elsewhere, and everywhere, and at all times, the same disinterested incorruptible, and

magnanimous friend of his country, which the promise of his previous life and services had led us to expect to find him.

After the Constitution had been adopted, and the government had been put into successful operation, the position of Mr. MADISON before the American people, like that of every other man similarly situated, was changed in one important particular. Before that period, there was scarcely a possibility of regarding him as less than a Statesman, devoting himself with unalloyed feelings of patriotism to his country's good; but after that time, though unchanged in one sentiment or feeling of devotion to his country, yet he encountered the chance of being regarded as a politician, swayed, if not governed, by private resentments or private partialities, or harboring, perhaps, thoughts of self-exaltation and advancement. In estimating the purity of his public course, at the period we now speak of, it must not be forgotten that he was called to fill the high office of Secretary of State, when Mr. Jefferson came into power, on the defeat of Mr. Adams, and that he succeeded the former gentleman in the Presidential office; to which must be added, also, the fact that the personal relations between him and Mr. Jefferson, had long been those of confidence and friendship. At the same time, it should be remarked, that, while these facts may furnish a just occasion for a jealous scrutiny into his conduct and motives, it would be more than puerile, it would be contemptible, to consider them, of themselves, as proving any thing.

What is claimed for Mr. MADISON, and what for myself, I believe to be righteously due to him, is that, in all his public course during the administrations of the first two Presidents of the United States, though he acted much in opposition, it was not from any restless desire of putting down one administration in order to set up another; nor from any sectional predilections or any State pride, nor from any factious or fault-finding disposition; nor because he was disaffected towards some individuals and well affected towards others; nor because he hated one foreign country and loved another; nor because he wished to serve his friend, or wished to serve

himself—nor was it from any other cause or motive whatever, than that he had received, into a good and honest heart, after much anxious deliberation, the solemn conviction, that this course of service was demanded of him by every obligation of honor, of faith, and of duty to his country.

The opposition both in and out of Congress, very early began to put on the form of a regular, systematic, party organization, with one or more recognized and acknowledged chiefs and leaders; and as one party never exists without another to antagonize it, the support of the administration assumed also to a considerable extent, a party type and character. It is the high praise of Mr. MADISON, that, though his intimate and confidential friend was the chosen head of the opposition in the Union, at least for the South, yet, in his own public conduct, he seems never to have failed scrupulously to distinguish between the spirit of party, and the spirit of patriotism. That the opinions of Mr. Jefferson, whose sagacity was almost unequalled, had great weight with him, must undoubtedly have been true: but there are not wanting very notable instances—cases in which the sentiments and projected measures of his friend may be supposed to have commended themselves, in an especial manner, to his favorable regard—but in which the wisdom and honesty of his great mind led him to adopt views of his own, other, and distinct, or greatly modified views, and such as were always beautifully characteristic of himself, and of the principles by which his life was governed.

The earliest occasion for opposition on the part of Mr. MADISON, was presented by a measure of the administration which originated with Mr. Hamilton, who was then at the head of the Treasury. It was proposed to establish a National Bank; and Mr. MADISON interposed an uncompromizing hostility to the project, on the ground of a want of constitutional power. And it is proper here to remark that he never yielded his opinion; although, afterwards, when President of the United States, he did assent to a Bill, passed by Congress, for the establishment of such a Corporation, on grounds

however perfectly distinct, and, at the same time, perfectly consistent with his denial of an original constitutional authority for that purpose. He believed that he was bound to give his executive sanction to the Bank Charter in 1817, in deference and respect to "the obligations derived from a course of precedents amounting to the requisite evidence of the national judgment and intention."*

It was not long before MR. MADISON, was again brought into sharp, and, in this instance, violent collision with his former associate Mr. Hamilton, on a question which involved the interpretation of the Constitution. France was just now revolutionized, the monarchy abolished, the king beheaded, and a republic proclaimed. Europe was involved in war, and France seemed resolved that in this contest there should be no neutrals any where, either on her own or on this side of the Atlantic. It was not, however, then, nor has it ever since been supposed; by the considerate portion of the community, to be the interest or policy of this country to involve itself, without some imperative cause affecting its own rights or its own security, in the wars of any foreign nations whatever, and least of all in the wars of Europe. Before the arrival in this country of Mr. Genet, the minister of the National Convention of France, President Washington, with the unanimous approbation of his Cabinet, Mr. Jefferson being one, had issued his proclamation to the people of the United States, usually known as the Proclamation of Neutrality.

The cause of republican liberty was very naturally deemed by a considerable portion of the people of this country, just emerged from their own triumphant revolution, to be identical with the cause of republican and revolutionary France; and this impression, which, in truth, was very prevalent, naturally led to the apprehension, on the part of the administration, that individual citizens, perhaps in combination and in large numbers, might be betrayed, by their own enthusiasm, into acts inconsistent with the equal duty which the country owed to all the belligerents, and endangering those relations

* Mr. Madison's letter to Mr. Ingersoll, of June 25, 1831.

of peace which it was its highest interest to preserve. The proclamation then had for its object, to remind the citizens, that the United States *were* at peace with all the powers of Europe, and that so long as the relations of peace continued, the laws of that relation, and the duties of strict neutrality, were of paramount obligation, and must not be violated.

To this extent, and with this object, the act of the President, in issuing his proclamation, could not well have been called in question, for the want of constitutional authority.—He is expressly required “to take care that the laws be faithfully executed.” But the intemperate zeal of the times, led to the most fierce and indiscriminating denunciation of the measure. The right to issue the proclamation at all, and for any purpose, was stoutly and stubbornly denied. And as the heated views of one party always tend to fire up the opinions and passions of its antagonist party, so it happened in the present case ; and the proclamation came to be defended before the public on principles quite as untenable and reprehensible, as those which had been employed in the attacks that had been made upon it.

After the newspapers of the day had exhausted some argument and much epithet on the subject, Mr. Hamilton deemed it necessary to give to the public his exposition of the meaning of the proclamation, and the grounds on which he thought it could be defended. This he did in several papers with the signature of *Pacificus*. In his view the proclamation rose into higher importance—and assumed an attitude of loftier pretension than others, who as well as himself, had advised and supported it, had been used to assign to it. The paper did not, on the face of it, at least in terms it did not, purport to resolve the important question whether the United States were bound by any treaty stipulation, if called upon, to take part with or against any nation now engaged in war. The United States *were* under obligation, by treaty, to secure to France all her possessions in America against all other powers ; and Mr. Hamilton chose to construe the proclamation as manifesting the sense of *the government*, though the act of

the President only, that the United States were not bound, under the circumstances, to take up arms in execution of the guaranty.

It is easy to see if such was the purport of that paper, that the President had undertaken alone to settle the highest question about which the sovereign power of a nation is ever called to act—that of peace or war ; a power moreover which the Constitution, whenever war was to be *declared*, had expressly confided to Congress. The exercise of such a power by the President, of course demanded a bold exposition of the Constitution to justify it. Mr. Hamilton found the requisite authority by a very summary argument. The office of President, he thought, was the constitutional fountain of all executive authority, with such *exceptions* and *reservations* only as are expressed in the instrument. The power to make war, is in its nature an executive power. All provisions in derogation of the executive right are to be construed strictly ; and, in the present case, the restrictions on the executive authority are not sufficient to prevent the President from declaring, as the sense of the government and nation, that the United States are not bound, by its treaty engagements, to guaranty to France her possessions in America by arming against the powers with whom she is now in conflict—in other words, the President may determine, in this instance at least, the question of peace or war. It is true he determined in favor of peace, but by the same authority he might have determined in favor of war.

But these were not the doctrines of that Constitution which Mr. MADISON had labored to establish ; and he felt impelled to throw himself in the way, between them and the country to which they were addressed. He came before the public in several Letters, with the signature of Helvidius, in which, without abating one particle of his accustomed vigor of intellect and argument, but rather exceeding it, he poured out the indignation of a spirit that was terrible in its wrath in proportion to the extreme difficulty with which its natural placidity could be overcome. In favor of General Washington and the

administration, he wholly denied that the proclamation required the construction which Mr. Hamilton had put upon it; that, though it certainly contained some language which he regretted as liable to misconstruction, yet, taken altogether in its proper sense, it did nothing more than remind all concerned, that the relations of peace, which could only be changed by the legislative power, existed between the United States and all other countries, and that the laws and duties of peace must be strictly observed. But this was a small matter compared with that which had drawn him into the controversy—it was the doctrine of *Pacificus* with which he had to do—a doctrine which had struck him as so extraordinary that he declared that scarcely any thing else than stating it in the writer's own words “could outweigh the improbability that so extravagant a tenet should be hazarded at so early a day, in the face of the public”—a doctrine which he pronounced to be “pregnant with inferences and consequences against which no ramparts in the Constitution could defend the public liberty, or scarcely the forms of republican government.”

Nothing in the writings or sayings of MR. MADISON, before this period, has struck me with such profound admiration for the character and genius of the author, as these Letters of *Helvidius*. As a commentary on the Constitution, I place them above any part of the text of *Publius*, not so much in point of learning and critical acumen, but because they erect at once a beacon and a rampart at that very quarter of the system which was most exposed to a hostile attack, and where, if ever or by any means, the enemy must enter to sack the republic. I do not say that with this work of the immortal *Helvidius* the republic is forever safe, but I do say that without it, it would have wanted those indispensable defences which could not have been so well erected at any other time, or by any other hand. In my judgment, it was a service this, rendered to the whole country and to the cause of republican liberty, second only and scarcely, in importance and value, to that which had issued in the establishment of the Constitution itself.

I cannot undertake to follow MR. MADISON minutely through the remainder of General Washington's administration. The relations of the country both with England and France were critical and greatly disturbed. The people, as well as their official representatives in the general government, were irreconcilably divided in their views of what policy the dignity and honor of the nation demanded. MR. MADISON, as I have already intimated, differed from the President and his advisers, on some of the most prominent and important measures of the administration; but it should be observed that, in all cases, where the matters of difference were mere questions of policy, his opposition, though always firm, was yet marked throughout with that moderation and gentleness which was a part, and a beautiful part too, of his nature and character. Whenever, however, the subject of dispute involved the construction of the Constitution, then the case was changed—then the case admitted of no compromise.

Probably no single act of any administration since the foundation of the government has produced such a deep and wide spread agitation, and such a conflict of opinion throughout the whole country, as did the Treaty of 1794 negotiated with England by Mr. Jay. Causes, which cannot be here detailed, had combined to prepare the public mind for the most violent ebullition, on the first announcement that the mission to England had been attended with success. The storm which followed, was met by the President with his accustomed firmness. The Treaty was ratified, and thus became, in the view of the President, by the express terms of the Constitution, the supreme law of the land.

This Treaty embraced several objects, which required the concurrence of the legislative power, in order to carry the stipulations into complete effect. Proceedings were had which brought the consideration of this Treaty before the House of Representatives, and with it, perhaps, the most embarrassing question, concerning the distribution of powers under the Constitution, which even yet has ever arisen.

The Constitution seemed to have separated in the most

complete manner, the treaty-making power, from the legislative. The power to make treaties was expressly confided to the President, by and with the advice and consent of the Senate. But the instrument was equally express, in vesting the legislative power in Congress, of which the House of Representatives was an integral part. The subjects of national interest and concern which might be contained in a treaty, were left wholly undefined by the Constitution, and it would seem, therefore, that every thing was within the treaty-making power, over which, according to the usages of nations, that power had been accustomed to be exercised; and if this was so, then the President and Senate had authority over many of the most important subjects which, by express enumeration, the Constitution had seemed to have confided solely to Congress, and which would appear also, on every principle of safety, to belong properly to the legislative department of the government, and not to the executive.

The doctrine of the President, and of those by whom he was sustained, was, that the President and Senate had exclusive and paramount authority to bind the country absolutely, by a treaty, on all subjects, without limitation, which were proper to be embraced in that kind of compact between nation and nation; and of course, where a treaty included provisions, which, under our system, must pass the forms of legislation, why there Congress must legislate, but must not deliberate—in short, in such cases, Congress had no will but to obey, and to disobey would be to rebel.

In hostility to this doctrine, the temper of the times carried the opposition, as usual, into extremes; and it came to be insisted on most strenuously that the treaty-making power, did not extend to any object which was included among the enumerated powers given to Congress. This position would not only have made the British treaty a nullity in all its most important stipulations, as having been concluded without any authority whatever, and only by a sweeping encroachment on the Constitutional powers of Congress, but, if adopted and settled as the true interpretation of the Constitution, it would in

all cases and forever, leave to the President and Senate, as the treaty-making power, little, if any important business to do, and erect Congress into the true treaty-making power, in their stead.

Now here was a case for the interposition of the pre-eminent wisdom and counsel of MR. MADISON. According to his notions of what government ought to be, and of the way to protect and preserve liberty under republican and constitutional forms, it was necessary to take care, on the one hand, that the system should not easily collapse on account of the weakness of its materials and structure, under the weight and pressure which might be brought to bear on it from without, and it was equally necessary, on the other hand, to take care, that in giving it the internal strength and energy, requisite for its purpose and its position, it should not be too liberally supplied with the means of multiplying its own power, lest it should consume the liberties of the people, creating within itself an agent of terror, and tyranny, and oppression, productive of nothing but apprehension and suffering while it should last, and ready every moment to end in a destructive and horrible explosion. MR. MADISON could not agree that the treaty-making power should be withdrawn from the hands in which the Constitution had placed it, and transferred to another department. This would have been to make the government dangerously weak in a point where it ought to be strong, and where the Constitution had clearly designed to give it strength. His opinion, therefore, was, that the President and Senate must not be restrained in the objects of negotiation and treaty with foreign powers, except within the appropriate and customary limits. But, at the same time, it was quite impossible for him to agree that the President and Senate, in the exercise of their appropriate function, should, by possibility, have it in their power to take the whole government of the country essentially into their own hands—preserving, indeed, the existence of the House of Representatives, because the Constitution requires that formality, but stripping it of the essence of its

legislative capacity—the right of deliberation and choice—substituting in its stead a distinct nation, and conducting and effecting every important act of legislation for the country, in the name of treaties, and through the medium of negotiations and compacts with foreign powers. “If, said MR. MADISON, by treaty, as paramount to the legislative power, the President and Senate can regulate trade, they can also declare war, they can raise armies to carry on war, and they can procure money to support armies. He did not see but they might, by a treaty of alliance with a nation at war, make the United States a party in that war. They might stipulate subsidies, and even borrow money to pay them; they might furnish troops to be carried to Europe, Asia or Africa—they might even attempt to keep up a standing army in time of peace, for the purpose of co-operating, in given contingencies, with an ally, for mutual safety, or other common objects.” His opinion, therefore, finally was, that while the power of making treaties should be left with the President and Senate, in general terms as it was bestowed by the Constitution, yet in every case of a treaty requiring the formal co-operation of the national Legislature, it was the duty of Congress to exercise the function of legislation, with the power of rejection, and with all that deliberation which was necessarily implied in the high authority with which the Constitution had invested it.

In the event of the discussions on this interesting and exciting topic, in the House of Representatives, that body adopted and passed, by a considerable majority, a declaratory resolution affirming its power over the subject of treaties, in exact accordance with the opinions which had been expressed by MR. MADISON.

Having settled the principle, MR. MADISON had no scruple in acting upon it. He was opposed to the treaty with Great Britain for reasons that were satisfactory to himself; and he thought it ought to be rejected. This was a question of policy—a question of expediency—a question, it is true, of vast magnitude and importance, involving the most momen-

tous considerations in the position the country then occupied—a question too, undoubtedly, which was made the pretext and occasion for the exhibition of some personal malignity and some political charlatanry—but yet a question, about which a difference of opinion among wise and good men was not only to have been expected, but could not, in the nature of the subject, have been avoided. When the question was presented to the House of Representatives, whether laws should be passed to carry this treaty into effect, MR. MADISON led the debate against the proposition; and if it had been in his power, would have arrested the execution of the treaty by his vote. The House determined, however, by a majority of three, to pass the necessary laws.

It is delightful to know and reflect, that notwithstanding the decision and power with which this eminent man stood up against many of the favorite views and measures of General Washington's administration, yet he did not for a moment lose either the respect or the confidence of that great man. Of this he had several very signal proofs. When Mr. Jefferson retired from the office of Secretary of State at the close of the year 1793, Gen. Washington solicited MR. MADISON's acceptance of that high and confidential station. When the mission to France was resolved on, in the next year, he offered to make him minister to that country. And, finally, when the President, at the close of his term of office, came to perform one of the last, and most solemn of all the acts of his public life, the preparation of his incomparable Farewell Address to his countrymen, he solicited and received, and to a considerable extent adopted, the counsel and suggestions of MR. MADISON, concerning the manner of the Address, and the topics which should be embraced in it.

MR. MADISON retired from Congress, and to private life, at the close of Washington's administration. But he was not, in his retirement, an unconcerned or inactive observer of passing events and public affairs. Under the administration of Mr. Adams the embarrassments, growing out of the relations of the country with France, still continued, and were

greatly increased. Hostilities actually existed, and were practised, between the two countries. In the mean time, a vigorous and relentless opposition pressed upon Mr. Adams on every side. And, what was the most irritating of all to him and his friends, and the most unendurable, was, that the country was infested with foreigners, the emissaries and agents of the dominant powers of France, who employed themselves in heaping unmeasured opprobrium on the public authorities, and in unwearied efforts to overwhelm the government in a storm of popular fury. That Mr. Adams was an eminently honest man, with an intellect of a very superior order, and with the purest patriotic purposes, no man of any party, I believe, is disposed to deny at the present day. But his temper does not appear to have been of that philosophic, and imperturbable cast which so greatly distinguished his predecessor in the presidential office. In the ardor and intrepidity of his natural temperament, and under high provocation, he gave his official sanction to measures which were in violent hostility to the temper of the times, and to the habits and sentiments of the American people. The Alien and Sedition Laws, as they have ever since been called, passed in the second year of his term of office, aimed though they doubtless were to counteract the corrupt and profligate designs of the French Directory, against the peace and prosperity of the Union, by suppressing the machinations and traductions of their emissaries and agents here, yet were so undefined and comprehensive in their possible application and import, as to produce, and even at this distant day we must say not without good reason, a degree of agitation and alarm throughout the republic, such as no other act of the government before or since has ever raised. And by his sanction of these two laws, Mr. Adams placed underneath his administration a lever, with its long arm of power in the hands of the opposition, which could not fail, as it did not fail, to aid in overturning that administration within the shortest possible period.

But while the nation was aroused with the aspect and attitude of rigor and oppression, of violence and tyranny, which

the government seemed to them to have assumed ; and while the politicians of the country, prompt to seize every promise and occasion of advantage, were active and instant in their imputations of evil design, and in magnifying, before the affrighted imaginations of the people, every real and supposed danger, there was one individual in the Union who turned from the clamor set up by politicians and the public, to consider with himself, in the calmness and quiet of his philosophic retirement, what were the actual and true dangers to the country, which these measures threatened, and by what means their dangerous tendency could best be met and counteracted.

It is evident that MR. MADISON acted on the settled conviction, that the republic was safe just so long as the government should be administered, in purity, strictly within the terms and principles of the Constitution—but no longer. He was accustomed therefore, to detect with instinctive promptness, the earliest indications of any hazardous departure from the line of the Constitution. He saw, or thought he saw, in the Alien and Sedition Laws, acts of government which were “ a deliberate, palpable and dangerous breach of the Constitution, by the exercise of powers not granted.” And this view of the subject once taken, was sufficient to arouse him to an exertion of all his energy and all his influence. He was now in private life, but, proverbially modest though he was, he could not fail to regard himself, as the nation now, and forever will regard him, not only as the Father, but as the elected Guardian and Expounder of the Constitution, through whom for the time being, under Providence, the integrity of that sacred instrument should be preserved, as it had been originally established and adopted. To this task, in all humility, but with even more than his accustomed vigor, did MR. MADISON now address himself.

The course to be pursued was, to cause Resolutions to be introduced into the Legislature of Virginia, passed there, and then transmitted to the other States of the Union for their concurrence. He was of opinion that this was the most rea-

dy and effectual mode of reaching, at once, the people and the government, with the language of sober but earnest reason, and of solemn and firm remonstrance. He held, indeed, certain notions concerning the Constitution—as an instrument constituting a compact to which the States were parties, taking for granted, at the same time, the right of the State Legislatures to be heard as expressing the sense and opinions of the States as political communities—which made the course of procedure he proposed to adopt peculiarly fit and appropriate. But whatever difference of opinion there may have been, and yet may be, in respect to these particular views, still there cannot, one would think, be much disagreement about the strict right of any State, through some fit and proper organ, to express an opinion on any Constitutional question which may be raised by any act or measure of the general government. Whatever may be thought of the positions just referred to, and which may be called the peculiar doctrines of the Virginia school—certain it is, that we have a government under the Constitution—a government composed of representatives—and if the States may not be called parties to the Constitution, they are at least, constituents of the government, directly and exclusively represented in one of its most important branches, the Senate of the United States. Deny who will, the right of the constituent to make his voice heard, in some appropriate form, in the ear of his representative, yet who ever does so, must expect to find that his denial will be met with the contempt or the rebuke of all who have correctly learned the elementary principles of representative governments.

MR. MADISON prepared a series of Resolutions, which were passed by the House of Delegates of Virginia, on the 21st of December, 1798, and agreed to by the Senate four days afterwards. These Resolutions, besides expressing incidentally the peculiar notion concerning the nature and origin of the Constitution already referred to, affirmed, as the sense of Virginia;—That the powers of the federal government were limited by the plain sense and intention of the

Constitution ;—That the States were bound to interpose in a palpable and dangerous case of the exercise of powers not granted ;—That, in several instances, the government had manifested a disposition to enlarge its powers by forced constructions, and by drawing powers from general phrases, whenever they could not be found in particular enumerations ;—That, in the cases of the Alien and Sedition acts particularly, powers had been exercised which had no-where been delegated to the general government, but which, on the contrary, in one of the cases, had been expressly forbidden ;—That those acts therefore were UNCONSTITUTIONAL. The Resolutions, were transmitted to the several States, with an invitation to co-operate with Virginia in maintaining the rights of the States and of the people. The answers received from the various States, were uniformly unfavorable, and some of them in rude hostility, to the opinions, and to the mode of procedure, adopted by Virginia—a state of public opinion on the important subject in hand, supposing it to have then been faithfully indicated by these answers of the respective legislatures, which was destined to undergo a rapid and thorough revolution, ending in nothing short of an utter political prostration of all who had been concerned in originating the obnoxious measures, and of all who had adopted the obnoxious principles by which those measures had been supported.

The Legislature of Virginia of the next year, to which MR. MADISON had allowed himself to be returned with a view to this very service and subject, proceeded to take into consideration the answers which had been received. A Report on these answers was made by MR. MADISON, as Chairman of the Committee to whom they had been referred, concluding with a Resolution of firm adherence to the doctrines and positions of the Resolutions of 1798.

This Report is the most elaborate, and in many respects it is the most able, of all the productions of MR. MADISON's pen: It is not too much to say, considering the nature of the topics embraced in it, the course of study, the habits of thought, the clearness and steadiness and compass of mental perception

demanding for the exercise, that it could not have been written, at that day, by any other man in the nation.

The Report, with the Resolution appended to it, having been adopted by the Legislature, this last great service rendered by MR. MADISON to the Constitution of his country, was finally consummated. It is not necessary in order to pronounce favorably on the pre-eminent value of this service, that all the views, assumptions and conclusions expressed by him in these papers, should, without exception or limitation, have met with the concurrence and approval of the united sense and wisdom of the nation. It is enough to know that he here propounded and enforced certain great leading and fundamental rules and principles, to be observed in the reading and rendering of the Constitution, which have been received, and become rooted in the public mind, as the settled and unalterable law of that instrument; which, from that day to this, have been the only doctrine on the subject which the country would tolerate; which no administration and no public man has ever dared openly to disavow; and which, it is safe to say, will stand as the deliberate judgment of the nation as long as the Constitution and the Republic shall endure.

It must not be forgotten, or omitted, in this connection, that it was attempted not long since, in certain quarters, to make MR. MADISON stand responsible, on the ground of his Resolutions and Report, for the abominable doctrine of *nullification* by State authority. This attempt was met by MR. MADISON himself, in a very decided and explicit manner. In August, 1830, he addressed a letter to a distinguished gentleman of Massachusetts,* in which, after holding up this doctrine to reprobation and contempt, by a simple but beautiful exposition and argument, he proceeded to vindicate the Resolutions of 1798, and the subsequent Report, in the most ample and satisfactory way, from the imputation and odium of having originated, or even favored in the remotest degree, the gross, insane, and shocking heresy alluded to. If the modern advocates of that doctrine *must* endeavour to fortify them-

* Gov. Everett.

selves with an ancient or early precedent, they must look for it in another quarter. If Mr. Jefferson held this opinion, let it be understood distinctly, that, by no influence, even by that of the most close and confidential friendship, was he able to indoctrinate MR. MADISON with his views. If the doctrine may be found in the Resolutions of the Kentucky Legislature of 1798, and 1799, which were drafted by Mr. Jefferson, it cannot be found either in the Resolutions or Report drawn up by MR. MADISON, or in any thing else which ever flowed from his intellect or his pen.

The residue of MR. MADISON's history, my friends, must now be briefly told. Mr. Jefferson came into the presidential office in 1801, and MR. MADISON took his appropriate place at his right hand, as Secretary of State. From this time, for sixteen years, he was never out of office, or relieved, for an hour, from a principal share in the burthens and cares of State. The difficulties and trials which the country encountered during the eight years of Mr. Jefferson's administration, grew almost wholly out of the state of its foreign relations; and MR. MADISON stood at the head of that Department, to which belonged the first and principal cognizance and care of these relations. How he acquitted himself, posterity will know. The history of the period, so far as the United States are concerned, is written in his official and diplomatic correspondence. The chief of the belligerent powers of Europe, mad with pride or drunk with blood, first committed every species of Vandal outrage on the rights of neutral nations, and on the rights of this nation particularly, and then insulted them with the doctrines which they set up to justify their practices. How both were met by the Secretary—the injuries and the insults, the acts of violence and the doctrines of justification—are recorded by his own hand: and if he had done nothing else in his life-time, this record alone were enough for the monument of an enduring and glorious fame.

In 1809, he became President of the United States. The moment of his entering on the direction of public affairs, was

one of the most critical in our history. Nearly all the expedients for the preservation of peace, had been exhausted in the time of his predecessor. Reason, and remonstrance, and the claims of justice, and the cries of humanity—all had been found unavailing; whilst the system of non-resistance with commercial restrictions and embargoes, had created dangerous enemies at home, but had made no friends abroad. Nothing remained for him, but to wait the effect of the last unpromising measure of Mr. Jefferson's policy—that of prohibiting all commercial intercourse with Britain and France—and then to rush into war; it might be with either, it might be with both of these powerful nations. In the event, war was declared against Great Britain only.

Mr. Jefferson was not more a philosopher, than a man of the people, and, to some extent, he staked the success of his administration on popular sentiment and popular feeling; and the god he worshipped was not to be appeased, and kept in placability, without costly sacrifices. To make the merits of his administration the more conspicuous and apparent, his superior sagacity led him to see that it was important to give it some cast of contrast to those of his predecessors. He made the excellent virtues of economy, retrenchment, and reform, the order of the day. The remnant of the national army was accordingly reduced; and the navy was nearly annihilated. In the meantime the Ocean—that great Common and Highway of the nations—was infested and swept by public robbers—great and small—barbarian and civilized—robbers without authority, and robbers by authority. To revive and create a navy, for the protection of American commerce, and American citizens on the sea, would be to create burthens for the people, by increasing the expenditures of the government—and as the majority of the people were not merchants, or political economists, it might be difficult to make them readily comprehend how the interests and wealth, the moral and physical advantage of the nation at large, would be promoted, by protecting and encouraging commerce, at the expense of maintaining a navy, and perhaps at the expense

of a war. There was but one alternative—withdraw the commerce of the country from the Ocean—abandon the great highway because there are robbers there—confine the citizen to his farm, and his workshop, and his counting-house—and then he will be safe.

This policy bore Mr. Jefferson triumphantly through; but it left the country in no condition to make the seat of his successor an easy or an enviable one. Peace could not be abandoned till the last hopeless experiment, that of non-intercourse already instituted, had been fairly tried. War, all the while, seemed inevitable at no distant day. The Ocean could not be regained—commerce could not be restored—confidence and self-respect at home, and honor and consideration abroad, and private and public security, could not be recovered without it. War was inevitable, if it had only been to satisfy the insolence of foreign powers, grown more insolent by a policy which *was* forbearance, and *seemed* to be submission; that Americans could and would fight when there was no other safe or honorable alternative. War was inevitable, so at least thought MR. MADISON, the very Man of Peace; and yet, by the popular sentiment, by the popular political wisdom of the period, there must be no army, and no navy, while the peace lasted. Still the war was inevitable, and it came—it came—on the responsibility of the President, voluntarily assumed—and it came, of course, with little previous, and no adequate preparation.

The war was brief, but it was severe. It proved the strength of the Constitution. It proved the patriotism of the people. It proved the valor of the American arms. The war resulted in an honorable peace,—the more honorable because it was concluded as promptly as possible when the objects of the war had been substantially gained. It was not waged to propagate abstract principles by the sword, but to compel the enemy to forego his injurious practices—not for the pride of forcing him to a formal recognition of our doctrines, or to a formal promise of good behaviour in future, but to teach him that we understood our rights if he did not; that,

hold what opinions he would, the actual violation of these rights would no longer be tolerated, that the practices—the practices—of which we complained, must cease now, and cease forever ; and that henceforward, our security should be found, not in any concessions on his part if he chose to withhold them, but in the promptness with which the good right arm of a brave and gallant nation should be bared to do battle for Justice and the Right, in the name and by the strength of the God of armies.

Having conducted the nation successfully through the war, MR. MADISON turned, with the nation, to the more congenial and delightful duties of peace. And he retired from Office on the 4th of March, 1817, leaving all the affairs of the Republic in a state of high and palmy prosperity.

For nearly twenty years from this period, and to the close of his life, he dwelt at his favorite seat in Virginia. He there enjoyed that blessed quiet, and that almost uninterrupted happiness, which is sometimes, even in this life, the reward of the good man. He felt that the work which his heavenly Father had given him to do, had been done, and well done. And even still he did not refuse to perform such services for his fellow citizens and his country, as became the dignity of his condition, and as his remaining time and strength would allow. He assisted in the revisal of the Constitution of his native state. He aided the cause of agriculture by an able Address. He made active exertions in behalf of Education and the spread of knowledge. And, finally, holding himself aloof from the party politics of the day, and especially careful, while he would not condemn the course of public affairs unnecessarily, never to stain and mar the beautiful consistency of his own life and principles by approving of measures and practices at war with his own, he cheerfully consented to furnish, as often as requested, from the fountain of his own experience and wisdom, his counsel and advice on topics of high constitutional import, and of paramount public importance. With the performance of these duties ; with study and literary labor ; dispensing a simple but elegant hospitali-

ty; preserving great regularity and order in his domestic economy; enjoying in his beloved wife, the care, and converse, and womanly devotion of one of the most accomplished and excellent of her sex, respected, honored, loved; owing no man any thing, whether money, or service, or reparation for undesigned injuries; having done all the good of which he was capable, and never given just cause of offence to any human being—thus he lived—and thus did the number of his days run out—when, on the 28th of June last, sitting in his chair, tenderly watched, with the face of yearning but now deeply troubled affliction bending over him to receive his last earthly look, without one struggle to retain his hold on life, or one pang at the dissolving of nature, he quietly yielded back his pure spirit to the God who gave it.

Gentlemen! Young Men! called as I have been, by your partiality, to set this eminent individual before you, may I be permitted now to indulge the hope that the invaluable lessons of his life and character will not be lost upon you, or on that generation in our country, of which you are a part. I implore the members of this Association—and if the assembled young men of the nation stood before me, and I could swell my voice to reach every ear in so vast a concourse—I would implore them all, and each one of them, not to turn away from the influence of so bright and pure an example, until they should begin to feel within themselves the stirrings of those elevated and ennobling sentiments, those lofty and unalloyed aspirings, those swelling and generous thoughts, those firm, resolved, uncontaminated, unconquered and unconquerable purposes, in behalf of our beloved country and her institutions, which that example is calculated to inspire. In my heart of hearts, I believe and feel, that favorable impressions in the quarter referred to—the adoption, by the young men of the Country, of sound principles, of charitable but correct estimates of public men and public measures, and of a better morality than commonly prevails in public affairs—that in this, and in this alone is the last hope of the land. Look, I beseech you, to the example of MADISON—it may be

long enough before you shall be called, to contemplate such another—look to his example, and take the profit of the contemplation.

Regard him in the circumstances of his early history. Observe him, feeble and infirm in health as he was from the cradle, devoted to study ; acquiring habits of application and toil ; chaste, temperate, sober, thoughtful :—See him at the close of his academic days, then in the very heat of youthful blood, withdrawing himself, not from society, but from the fellowship of unprofitable indulgences, to occupy successive years in interested converse with the Wisdom of History, with the Genius of the Past, with the Principles and the Men of Ancient days, with the novel Spirit of the Present, and the legible secrets of the Coming Time—with every thing, in short, which could tend to fit him for the performance of exalted services to his country—services on which he had never dared to enter without the consciousness of some adequate preparation to bring him up to the eminent level of the work.

Look at him, as he enters on the career of active life and public duty, and while in the midst of official occupation. With no feverish anxiety to rush into responsible station ; willing to serve where he could and ought, but fearful to venture, and waiting till the voice of his country called ; shrinking from no toil at her bidding, anxious only for her prosperity, praying for her peace ; the friend of Liberty, but the sworn enemy of licentiousness, and knowing no Liberty without the coercive power of government and law ; the friend of the People, entertaining towards them a becoming respect, a generous confidence and a kind and enduring sympathy, but never stooping to flatter or cajole them ; never descending to the level of that low and dishonest ambition, which employs itself in exciting and ministering to their base propensities, and their blind and miserable passions, with a view to take the chance of following in the wake of their turbulent track, or of mounting on the raven wing of the tempest when it is up—but on the contrary, always treating them as trusting to their undoubted capacity of answering to appeals made to

the nobler feelings, and higher sentiments of our common nature ; believing them apt to be right, but often wrong, because liable to be misled by the ignorant and the intriguing ; serving their interests faithfully, and in the right way, at whatever hazard of incurring their present displeasure ; looking confidently for a steady breeze, from the right quarter to fill his prosperous sails, instead of spreading out a mighty breadth of alluring canvass, to catch every breath and puff of popular favor, to the imminent peril of his eventual fame ; dealing honestly and plainly with the people in all his public conduct ; endeavoring to bring them to the right, when they were evidently in the wrong, instead of watching to take the popular current whether wrong or right ; supporting party and supported by party, but never mistaking party for country, or sacrificing country to party ; regarding office as a trust, in which the public is to be served, and not himself or his friends ; standing beside the Constitution as with a naked sword, flaming with truth and argument and terror, to protect it from desecration—never daring to plant an unhallowed foot upon it himself, or allowing another to do it, but if done in spite of resistance, sounding an instant and loud alarm, to wake the hosts of the nation to the rescue ; always firm because settled in his purposes, yet always gentle—at least, never roused to violence at any wrongs, or to indignation, but at the wrongs of his country ; and always consistent with himself, and without disguises, because grounded in honesty and principle which need no concealments, and never change.

And finally and especially, Young Men ! look at him when the chief honors of the Republic are on him—when he stands vested with the highest official dignity of the greatest, because the freest nation on earth—see him, finding his authority, not in his office, or in the name of his office, but in the Constitution only ; scrupulously respecting the authority of every other department of the government ; the President of the nation, and of the whole nation, conducting the government for the general welfare, with a policy broad

enough to embrace every citizen and every section ; surrounding himself with the wise and the worthy for counsel and support ; with a presence of purity, elevation and moral dignity, which the fawning politician cannot approach, and before which the corrupt and corrupting minion of power dare not appear ; recognizing no qualification for office, without personal purity, without a high sense of honor, without public principles which would not be regarded as sound in politics if they were not also sound in morals ; with much power, but no patronage ; with no private enmities to gratify, and taking special heed not to be misled by private friendships ; with a multitude of offices to bestow—but no favors—and a wide country full of talent and virtue to fill them ;—thus conducting public affairs in a way to promote public morality along with public prosperity, and of course in a way to strengthen, by the mighty influence of government, and not to weaken, the only foundation on which the government rests.

No wonder that his public course, though difficult, was a successful one. “ I shall carry with me ” said he, as he was about to retire finally, “ I shall carry with me sources of gratification which those who love their country most will best appreciate.” Gifted, favored, venerated man ! We catch the spirit of that happy sentiment—we would rise to the contemplation of the conscious virtue that inspired it—and, in that contemplation, forgetting all meaner excellence, and filling our grateful hearts and memories with the living image of those sublime qualities which alone constitute true greatness—thus would we set up our standard of political estimation—and thus would we learn henceforward how to measure both our own and others’ claims to the gratitude and admiration of the country and of the world !

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